

BILL NO. G-96-11-44 (as amended)

GENERAL ORDINANCE NO. 9-31-96

AN ORDINANCE CREATING HUMAN RELATIONS COMMISSION
TO BE INCLUDED IN TITLE IX, CHAPTER 93
DISCRIMINATION AND HUMAN RELATIONS
GENERAL REGULATIONS OF THE CITY OF FORT WAYNE
CODE OF ORDINANCES

Introduced by Mayor
12-3-96
Council Voted
to override the
Mayor's Veto
12-17-96

WHEREAS, the Common Council of the City of Fort Wayne in an attempt to better serve the residents of the City of Fort Wayne, and in an attempt to better meet the purpose of Chapter 93, Discrimination and Human Relations, which purpose is specified in Section 93.001, proposes to establish a Human Relations Commission; and

WHEREAS, the Human Relations Commission established herein shall be codified beginning at Section 93.050 of Chapter 93 and shall replace the most recently repealed Human Relations Commission provisions previously codified at Section 93.050 through 93.055; and

WHEREAS, the Common Council of the City of Fort Wayne deems that it is necessary and appropriate and in the best interest of the residents of the City of Fort Wayne to re-establish the Human Relations Commission.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Title IX, General Regulations of the City of Fort Wayne Code of Ordinances shall be amended to add new sections to Chapter 93 which new section shall be designated Human Relations Commission and shall begin at Section 93.050.

SECTION 2. That the following is adopted as the Human Relations Commission under Title IX of the General Regulations of the Code of Ordinances at Chapter 93, Discrimination and Human Relations:

HUMAN RELATIONS COMMISSION

§ 93.050 ESTABLISHMENT; MEMBERSHIP; VACANCIES

(A) To assist in the elimination of discrimination in Fort Wayne there is hereby created a Commission to be known as the Metropolitan Human Relations Commission.

(B) The Commission shall consist of seven members. Three of whom shall be appointed by the Common Council and four of whom shall be appointed by the Mayor.

(C) Terms shall last for three (3) years except for one Commissioner appointed by Common Council for his or her original term and one Commissioner appointed by the Mayor for his or her original term, and said appointee as designated by either Common Council or the Mayor shall be for a period of two years. The effect of this original appointment is to establish a staggering of terms such that there will never be a complete turnover of Commissioners at the end of any given three year term. All Commissioners appointed shall be limited to not more than two consecutive terms.

1
2
3
4 (D) As of the time of the establishment of this Commission, all seven commission positions are
5 vacant and therefore Common Council shall appoint members to fill three of the vacancies,
6 and thereafter shall be responsible for appointing their successors, and the
7 Mayor shall appoint members to fill the remaining four vacancies, and shall thereafter be responsible for
8 ~~appointed~~ their successors.
9 appointing

10
11 § 93.051 QUALIFICATIONS OF MEMBERS.
12

13 (A) All members shall be residents of For t Wayne. The Mayor and Common Council shall make
14 only those appointments which insure:
15

16 (1) That members are persons who have demonstrated a commitment to the purpose for
17 which the Commission is created; and
18

19 (2) That the Commission is broadly representative of the community in regard to race,
20 religion, national origin, sex, and abilities;
21

22 (3) The appointment shall be in such manner that the number of members of the
23 Commission belonging to one of the two major political parties shall not exceed by more than one the number
24 of those belonging to the other major political party, and the Mayor and the Common Council shall take this
25 into consideration in making their respective appointments; provided, however, that if they cannot agree upon
26 the manner in which such representation is to be attained, the Mayor shall make that appointment which shall
27 result in one of the major political parties having the greater number of members on the Board.
28

29 (B) It shall be the duty of the Mayor and the Council publicly to solicit suggestions for
30 Commission appointments from organizations having an interest in the improvement of inter-group relations
31 in the community, and to give thoughtful consideration to the appointment of persons so suggested.
32

33 § 93.052 OFFICERS
34

35 (A) At the first meeting of the Commission, which shall be called by the Mayor, the
36 Commissioners shall elect one of their number to serve as chairman, and also shall elect such other officers
37 as the Commission shall desire from among its members.
38

39 (B) The Commission shall select an Executive Director who shall serve as Secretary, who shall
40 not be required to meet the qualifications for membership on the Commission, and who shall be compensated for
41 his/or her services, and such other employees as may be authorized.

42
43 § 93.053 DEATH; INCAPACITY OR RESIGNATION OF MEMBER; REMOVAL.
44

45 (A) In the event of a death, incapacity, or resignation of any member, his or her successor shall
46 be appointed by the one who appointed such member and the newly appointed member shall serve for the
47 unexpired period of the term of the one replaced.
48

49 (B) Either the Mayor or the Common Council shall, at any time, have the right to remove any
50 member of the Commission appointed by him or it.

1 § 93.054 **POWERS AND DUTIES.**

2
3 (A) The Commission shall have all powers that may lawfully be conferred upon it pursuant to
4 the applicable provisions of Indiana law, including the power to:

- 5
6 (1) Investigate, conciliate and hear complaints;
7
8 (2) Subpoena and compel the attendance of witness or production of pertinent documents
9 and records, and make use of such other discovery techniques as shall be necessary to complete investigations
10 or conduct full hearings as provided for in IC 4-21.5 et seq., and Rule 28 of the Indiana Rules of Trial
11 Procedure;
12
13 (3) Administer oaths;
14
15 (4) Examine witnesses;
16
17 (5) Appoint hearing examiners or panels;
18
19 (6) Make findings and recommendations;
20
21 (7) Issue cease and desist orders requiring remedial action;
22
23 (8) Order payment of actual damages, except that damages to be paid as a result of
24 discriminatory practices relating to employment shall be limited to lost wages, salaries, Commissions or
25 fringe benefits;
26
27 (9) Institute action for appropriate legal or equitable relief in an appropriate court;
28
29 (10) Employ an Executive Director and other staff personnel;
30
31 (11) Adopt rules and regulations;
32
33 (12) Initiate complaints, except that no person who initiates complaints may participate
34 as a member of the agency in the hearing or disposition of the complaint; and
35
36 (13) Conduct programs and activities to carry out the purposes of the Metropolitan Human
37 Relations Commission provided for in this chapter within the territorial boundaries of the city;
38

39 (B) The Commission shall hold a regular meeting each month. All meetings and notice hereof
40 shall be conducted in conformity with IC 5-14-1.5-1 et seq.;

41
42 (C) The Commission shall endeavor to keep itself fully informed concerning the studies and
43 findings of private organizations in respect to the practices falling within the Commission's jurisdiction;
44
45

1 (D) The Commission shall render an annual report of its doings to the Mayor and to the Common
2 Council, and shall render such other additional reports as the Mayor or the Common Council may from time
3 to time request. The reports shall describe in detail the investigations and conciliation proceedings it has
4 conducted and their outcome, the progress made and any other work performed and achievement toward the
5 elimination of discrimination.

6
7 **§ 93.055 RESPONSIBILITIES.**
8

9 (A) Study the relationship between persons of various races, sexes, creeds, abilities, and
10 nationalities within the city and to advise and assist the various city departments in matters involving
11 relationships between such groups to the end that prejudice, intolerance, bigotry, and discrimination will be
12 eliminated in Fort Wayne;

13
14 (B) Eliminate discrimination in education, employment, public accommodation and housing
15 based upon sex, race, religion, handicap, ancestry, national origin or place of birth;

16
17 (C) Study, investigate and take action in regard to any condition having an adverse effect upon
18 relations between persons of various races, sexes, creeds, abilities and nationalities;

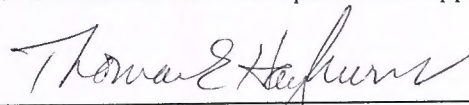
19
20 (D) Institute and conduct educational and other programs intended to promote the equal rights
21 and opportunities of all persons;

22
23 (E) Solicit the cooperation of the various racial, ethnic, handicapped, women's rights, and
24 religious groups within the community in order to improve the quality of communications and understanding
25 with the community;

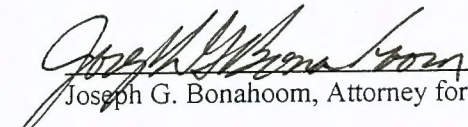
26
27 (F) Stimulate private and governmental department and agencies to develop and foster
28 meaningful programs in support of the objectives and purposes of the metropolitan Human Relations
29 Commission;

30
31 (G) Ensure the equal protection of all persons and the full availability of all rights and privileges
32 of citizenship to all persons.
33
34

35 **SECTION 3.** This Ordinance shall be in full force and effect on the later to occur of January 1,
36 1997, or the date of its passage and any and all necessary approval by the Mayor of the City of Fort Wayne,
37 provided that General Ordinance No. _____ repealing the previous Human Relations Commission
38 provisions codified in Chapter 93 of the Fort Wayne Code of Ordinances have been passed and approved.
39

40
41 
42 _____
43 Council Member
44
45

46 **APPROVED AS TO FORM AND LEGALITY**
47

48
49 
50 _____
Joseph G. Bonahoom, Attorney for City Council

Motion *Rebecca* *2nd* *G-96-11-44*
to override veto *Rebecca* *2nd* *G-96-11-44*

Read the first time in full and on motion by _____,
and duly adopted, read the second time by title and referred to the
Committee on _____ (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by *Edmonds*,
and duly adopted, placed on its passage. PASSED *lost*
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8	1		
BENDER	✓			
CRAWFORD	✓			
EDMONDS	✓			
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY		✓		
RAVINE	✓			
SCHMIDT	✓			

DATED: *12-17-96*

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the *17th* day of *December*, 19 *96*

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Paul Helmke
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19_____.
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Read the first time in full and on motion by Hay Hurst,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, 19____, the _____ day of _____
M., E.S.T. _____ at _____ o'clock

DATED: 11-26-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hay Hurst,
and duly adopted, placed on its passage. PASSED 1996
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	5	4		
BENDER	✓			
CRAWFORD	✓			
EDMONDS	✓			
HALL	✓			
HAYHURST		✓		
HENRY		✓		
LUNSEY		✓		
RAVINE	✓			
SCHMIDT		✓		

DATED: 12-3-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____
(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 9-31-96
on the 3rd day of December, 19 96

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

D. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 4th day of December, 19 96,
at the hour of 11:45 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____

VETOED 12/13/96 - P. Helmke

P. Helmke
PAUL HELMKE, MAYOR

DEC. -17' 96(TUE) 14:41 ASSOCIATED BROKERS

TEL: 219 424 4889

P. 001

December 18, 1996

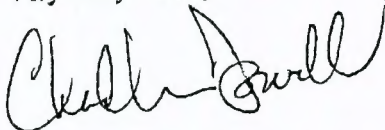
Mr. Donald Schmidt, President
Common Council Fort Wayne Indiana

Dear Don,

In the years that I have served on the Metropolitan Human Relations Commission it has, up until recently, always been a blue ribbon, non partisan, non political commission which made decisions based on the merits of the situation. Regrettably, events of the recent past are no longer in keeping with that standard.

For these reasons, please accept my resignation effective 12/31/96. I look forward to serving the city of Fort Wayne in a more positive role in the future.

Very Truly Yours,



Chad MacDowell, Commissioner
Metropolitan Human Relations Commission

yes	no
11	11

yes
override
for

11

no
against

1

pass

NEWS RELEASE

CITY OF FORT WAYNE

PAUL HELMKE, MAYOR



Statement by Mayor Paul Helmke December 13, 1996

After careful consideration, I am vetoing Ordinances G-96-1143 and G-96-1144, which attempt to repeal and then recreate Fort Wayne's Metropolitan Human Relations Commission. My reasons for vetoing the ordinances are as follows:

- 1) G-96-1144 allows for any Metropolitan Human Relations commissioner to be removed without cause. The way the ordinance reads, the City Council or Mayor could remove any of their appointees simply if they did not agree with a decision made by the appointee. In cases of discrimination, this is particularly dangerous. This Commission needs to exercise judgment independent from political pressures which might be brought to bear on the Mayor or Council members. Even if pressures are not exerted, the possibility that they might be exerted could make any decision by the Commission suspect.
- 2) I disagree with term limits being set for Metropolitan Human Relations commissioners. Longevity can be beneficial and I believe the City Council and Mayor are best suited to determine when to let a commissioner's term expire. The terms of three of the seven members expire at the end of this month.
- 3) I am concerned that voiding the existing ordinance would cause delays in approvals from the federal agencies with which the Commission works as well as delays in handling cases.
- 4) I do not believe abolishing the current Commission and creating a new one is the proper way to address the problems facing this agency.

In order to address the concerns regarding the Metropolitan Human Relations Commission, I will take the following action:

- 1) The terms of two of the four commissioners I appointed will expire December 31, 1996 (Fred Eckart and Karen Fowler-Williams). The other terms expire December 31, 1997 (Rheba Knox and John Dortch). I plan to appoint new commissioners when these terms expire. This is not a reflection on the performance of any of the commissioners I have appointed. They have each given a great deal of time to the Metropolitan Human Relations Commission and I know they are dedicated to eliminating discrimination in

Fort Wayne. I think highly of them and thank them for the many hours they have spent serving our community.

Appointing new commissioners will help give the Metropolitan Human Relations Commission a fresh start. New commissioners will not be held back by the conflicts of the past, but will be able to look forward to the future. My appointments will be made at the appropriate time.

- 2) I have asked City Attorney Tim McCaulay to undertake a systematic study of the Metropolitan Human Relations Commission's policies and procedures with the help of members of the community familiar with discrimination law and practice. I will expect them to report back to me in the summer of 1997 with specific recommendations for improving the Commission.

Paul Holch
December 13, 1996
9:30 AM.

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Paul Hall
December 13, 1996
9:30 AM.

BILL NO. G-96-11-44

As Amended

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) creating Human Relations
Commission to be included in Title IX, Chapter 93 Discrimination
and Human Relations - Code of Ordinances

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~XXXXXXXXXX~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine

Patrick Jensen

Thomas E. Hayhurst
Deborah Hall
Thomas E. Hayhurst
William J. Campbell
Mark D. B...

DATED: 12-3-96

Sandra E. Kennedy
City Clerk